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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 In re:) Case No. 01-55137-wsj
12 SILICON VALLEY TELECOM)
EXCHANGE, LLC,) CHAPTER 11
13)
14 Debtor.)
15)
16)
17)

18 **DECLARATION OF FRED D. RUBIO, II IN SUPPORT OF**
RENEWED APPLICATION FOR FINAL DECREE

19 I, FRED D. RUBIO, II, declare:

20 1. I am: the managing member of Debtor Silicon Valley Telecom Exchange, LLC
21 (“Debtor” or “Reorganized Debtor”); the managing member of Silicon Valley Telecom & Internet
22 Exchange, LLC; and the president and sole shareholder of Rubio & Associates, Inc. (collectively
23 “Plan Proponents”), the proponents of the Third Amended Joint Plan of Reorganization (“Plan”)
24 for the reorganization of Debtor which was confirmed on August 24, 2007. I make this declaration
25 in support of the application for final decree. If called as a witness, I would competently testify as
26 follows:

27 2. Pursuant to their Plan, Plan Proponents, including Debtor, continue to pay Debtor’s
28 secured debt obligation pursuant to the terms of the promissory note and Plan Proponents are

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obligated to make certain payments to Debtor's general unsecured creditors of monies from the settlement of Reorganized Debtor's claim against Enron Broadband Services, Inc. and net proceeds from the business operations of Plan Proponents. As of this date, the confirmed Plan has been substantially consummated, all secured creditors are being paid pursuant to the confirmed Plan, unsecured creditors have been paid all amounts received from Enron (it is unknown if there will be additional Enron claim distributions), and all motions, contested matters and adversary proceedings have been finally resolved.

3. Plan Proponents have complied with the obligations of the confirmed Chapter 11 Plan and request that this Court enter a Final Decree in this case.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on September 16, 2009, at San Jose, California.

/s/ Fred D. Rubio, II

Fred D. Rubio, II